

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number Q96393
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 10/588,648	Filed August 7, 2006
	First Named Inventor Ryo SAKURAI	
	Art Unit 2629	Examiner Srilakshmi K. KUMAR
<p style="text-align: center;">WASHINGTON OFFICE 23373 CUSTOMER NUMBER</p>		
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record.</p> <p>Registration number <u>55,154</u></p> <p style="text-align: right;"><u>/David P. Emery/</u> Signature</p> <p style="text-align: right;"><u>David P. Emery</u> Typed or printed name</p> <p style="text-align: right;"><u>(202) 293-7060</u> Telephone number</p> <p style="text-align: right;"><u>June 9, 2010</u> Date</p>		

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q96393

Ryo SAKURAI, et al.

Appln. No.: 10/588,648

Group Art Unit: 2629

Confirmation No.: 9259

Examiner: Srilakshmi K. KUMAR

Filed: August 7, 2006

For: INFORMATION DISPLAY DEVICE

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MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Further to the Examiner's Final Office Action dated December 9, 2009, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by LeCain (WO/03/104884).

Claim 1 recites, *inter alia*, spacers are arranged on a surface of at least one of the front substrate and the rear substrate in a sealing agent arranging portion, which seals a space between the front substrate and the rear substrate by a sealing agent; and

the sealing agent arranging portion is disposed between outermost walls of partition walls for forming cells and a rib disposed on at least one of the front substrate and the rear substrate.

As a basis for the rejection in the December 9, 2009 Office Action, the Examiner, relying on FIG. 17, reads bead 572 as corresponding to the recited rib, and bead 574 as corresponding to the recited “spacers.” However, bead 574 is a continuous bead that works in tandem with continuous bead 572 to create a “channel” seal 570. *See* LeCain, p. 42, lines 5-12. Thus, even if bead 574 could be construed as a spacer, the claim recites spacers in plural, i.e., meaning more than one spacer. Conversely, bead 574 is a single bead running along the length of the channel.

Thus, when bead 572 is construed as being a rib (*see* December 9, 2009 Office Action),

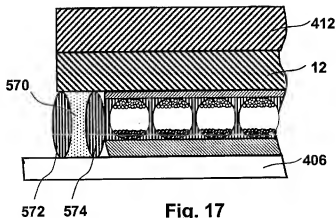


Fig. 17

LeCain only discloses a single bead 574, which does not show the recited plural term “spacers.”

For at least this reason, Applicants submit claim 1 is patentably distinguishable over LeCain. Further, claims 2-5 are submitted to be allowable at least by virtue of their dependency.

On the other hand, as a justification for maintaining the rejection, in the Advisory Action the Examiner contends that LeCain states on page 42, lines 10-12, “spacer beads.” *See* Advisory Action, p. 1.

In response, it is submitted that despite disclosing two “spacer beads”, i.e., bead 572 and bead 574, the Examiner, in the Office Action, relies on spacer bead 572 as corresponding to the recited rib. If the Examiner now wishes to rely on spacer beads 572 and 574 are corresponding to the recited spacers, Applicants respectfully submit that LeCain fails to disclose a “rib” (of which the Examiner previously alleged was disclosed by bead 572).

Thus, Applicants submit claim 1 is allowable over LeCain for at least those reasons set forth above. Lastly, claims 2-5 are allowable, at least by virtue of their dependency.

Essentially, the Examiner improperly relies on bead 572 and bead 574 as disclosing the recited “rib” and “spacers.” However, it is improper to apply bead 574 to read on both the recited “rib” and one of the recited “spacers.”

Moreover, certain aspects of the present invention relating to an information display device using flexible substrates and associated problems are described below to aid the Examiner's understanding:

Associated problems:

- A gap between the substrates becomes uneven due to a bending of a substrate during a pressing connection; and
- A stress occurs due to a bending and shrinking of the sealing agent.

The above problems do not occur in rigid substrates. Moreover, in the information display device of a liquid powder type, since an electrostatic field is applied in an air-space between the substrates, the gap must be controlled. However, according to aspects of the present invention, since the gap between the substrates is about 50 μm , even a minute displacement generated during normal manufacturing becomes problematic. Lecain is not directed to solving the problems identified above.

Furthermore, aspects of the present invention differ from Lecain as follows:

- Spacers in a sealing agent arranging portion may be arranged as shown in Fig. 4 of the specification; and
 - A height of the spacers may be the same as that of partition walls and a rib.
- (a) In Lecain, the gap between the substrates is not made even.

From Lecain, since a bead (dam) is formed from a curable material, the bead is formed by hardening the curable material. Therefore, in Lecain, the gap is not accurately controlled. Contrary to this, in the information display device according to an embodiment of the invention, since the gap between the substrates is about 50 μm , it is necessary to control the gap more precisely. Also, in Lecain, since the bead is manufactured by curing a resin, there remains the problem of hardening and shrinking, and thus it is difficult to suitably form the gap.

- (b) A stress occurrence due to the hardening and shrinking of the sealing agent can not be prevented, so that the bending of the front substrate may occur.

In Lecain, only the bead is provided at the out side of the sealing agent arranging portion. This construction corresponds to a conventional construction in which the rib is not provided in

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the sealing agent arranging portion. To the contrary, in an embodiment of the present invention, the effects are obtained by providing the ribs in the sealing agent arranging portion.

Thus, Applicants respectfully submit claims 1-5 are patentably distinguishable over LeCain for those reasons set forth above.

Respectfully submitted,

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